

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ALPHONSE TRUCCHIO, et. al.,

Defendants.

S1 11 CR. 614 (VM)

**DECLARATION OF DON
BUCHWALD IN SUPPORT OF
DEFENDANT IVANOVA'S MOTIONS
FOR A BILL OF PARTICULARS AND
FOR CERTAIN DISCOVERY**

I, DON BUCHWALD, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am counsel for defendant Natalia Ivanova. She is charged in only Counts 7 and 8 of the indictment, arising out of her alleged facilitation of phoney marriages in order to effect changes in the immigration status of certain aliens, for the purpose of permitting these aliens to remain in the United States.

2. In order both to properly defend Ms. Ivanova and to assess and advise her concerning the advisability of going to trial,¹ I have requested from the prosecutors a listing of those allegedly fraudulent marriages in which the prosecutors claim Ms. Ivanova participated. By email the prosecutors furnished me with a list of 16 such alleged marriages. The list given to me is set forth on Exhibit F hereto. The prosecutors have suggested that there are more than 16,

¹ A significant factor in computing the advisory Sentencing Guidelines range in the case is the number of aliens for whom fraudulent documents were used. See U.S.S.G. §2L2.1(b)(2) and Application Note 2 thereto.

but have thus far failed to delineate same. Even with respect to the list of 16, in all but three instances the prosecutors have furnished the name of only one of the participants in the allegedly fraudulent marriage. Frequently, the single name furnished is the name of the United States spouse rather than the foreign alien whose U.S. status was sought to be affected. Accordingly, except in those approximately half dozen instances where discovery pertains to matters involving the individuals identified on the List of 16, Ms. Ivanova is unable to identify the marriage.

3. With respect to each of the aliens whose fraudulent marriages Ms. Ivanova is claimed to have facilitated, in order for Ms. Ivanova to identify the individuals and assist in her defense and in order for counsel to be able to assess and investigate the allegedly “fraudulent” nature of the marriage, we have requested that we be furnished with copies of the aliens’ immigration files (called “ ‘A’ Files”). The Government has heretofore advised that it cannot furnish copies of the ‘A’ Files because such files contain personal information as to which ICE objects to disclosure. We would be pleased to accept the “A” Files with such redactions, and/or subject to such Protective Order as the Court deems appropriate.

Dated: New York, New York
July 17, 2013



DON BUCHWALD